

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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DENIS GIBBONS, et al.,

Plaintiff(s),

v.

NATIONAL UNION FIRE INSURANCE  
COMPANY OF PITTSBURGH, PA, et al.,

Defendant(s).

Case No. 2:14-CV-586 JCM (VCF)

ORDER

Presently before the court is a motion to amend complaint filed by plaintiffs Dennis Gibbons and Julie Pelekanos (hereinafter “plaintiffs”). (Doc. # 35). Defendant Bank of America (hereinafter “defendant”) filed a response, (doc. # 38), and plaintiffs filed a reply, (doc. # 41).

Also before the court is defendant’s motion to dismiss or, in the alternative, for a more definite statement. (Doc. # 21). Plaintiff filed a response, (doc. # 28), and defendant filed a reply, (doc. # 33).

Federal Rule of Civil Procedure 15(a) provides that leave to amend “shall be freely given when justice so requires.” Fed. R. Civ. P. 15(a). The Supreme Court has interpreted Rule 15(a) and confirmed the liberal standard district courts must apply when granting such leave.

In *Foman v. Davis*, 371 U.S. 178 (1962), the Court explained: “[i]n the absence of any apparent or declared reason—such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of the amendment, etc.—the leave sought should, as the rules require, be ‘freely given.’” *Id.* at 182.

...

1 Further, local rule 15-1(a) also requires that a plaintiff submit a proposed, amended  
2 complaint along with its motion to amend. LR 15-1(a). Plaintiffs included a proposed amended  
3 complaint with their motion to amend in compliance with this rule. (Doc. # 35-2).

4 Based on the foregoing, the court finds good cause to grant plaintiffs leave to amend their  
5 complaint. As a result, the court will deny as moot defendant's motion to dismiss or, in the  
6 alternative, for a more definite statement.

7 Accordingly,

8 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff's motion to  
9 amend complaint, (doc. # 35), be, and the same hereby is, GRANTED.

10 IT IS FURTHER ORDERED that plaintiffs file an amended complaint identical to that  
11 attached to the motion to amend, (doc. # 35-2), within seven (7) days of the entry of this order.

12 IT IS FURTHER ORDERED that defendant's motion to dismiss, (doc. # 21), be, and the  
13 same hereby is, DENIED as moot.

14 DATED October 16, 2014.

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16 UNITED STATES DISTRICT JUDGE